

DISTRICT ATTORNEY



OF THE
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000

MEMO ENDORSED

ROBERT M. MORGENTHAU
DISTRICT ATTORNEY

August 28, 2008

Magistrate Judge Frank Maas
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Mathis v. Marshall (LTS) (FM)
08 Civ. 3991

Your Honor:

I represent the respondent in the above-captioned habeas petition which is currently before Your Honor. I am in receipt of the Court's order directing me to file an answer on or before November 10, 2008. I am writing to ask for an extension to January 9, 2009. My request for that extension is based on a number of factors. First, this case was reassigned to me from another assistant who left the bureau. I am therefore not familiar with the case and will need to review the trial transcript, which is in excess of 1200 pages. I am also scheduled to answer two briefs before the Appellate Division First Department for the court's November term. I have already sought and received extensions on those briefs and cannot postpone responding to them. I therefore will be unable to turn to petitioner's petition until October. Moreover, petitioner's petition is extensive. He raises fifteen points. Most of those points were not raised in his brief on direct appeal but were made in post-judgment motions. Thus, I will need to review a number of documents to determine whether those claims have been properly exhausted before I can even proceed on the merits.

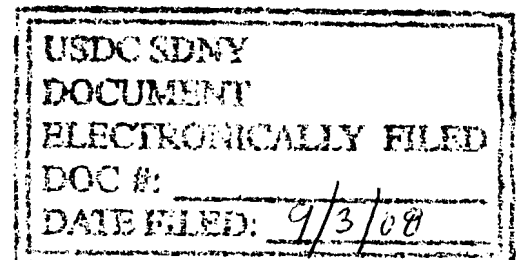
Thank you for your consideration.

APPLICATION GRANTED
SO ORDERED

Frank Maas
Frank Maas, USMJ 9/4/08

Sincerely,

Susan Axelrod
Susan Axelrod (SA2554)
Assistant District Attorney
(212) 335-9253



Cc: Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Homer Mathis
Petitioner
Inmate Number 04A3627
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562